



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
www.danbury-ct.gov

(203) 797-4525
(203) 797-4586 (FAX)

**ENVIRONMENTAL IMPACT COMMISSION
MINUTES**

Web-Based Meeting Hosted on ZOOM

Wednesday, October 27, 2021
7:00 p.m.

ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:00 p.m. Present were Mary Cronin, Geoff Herald, and Mark Massoud. Absent were Matthew Rose and Alex Wolk. Staff present were Environmental Compliance Officer Richard Janey and Secretary Mary Larkin.

ACCEPTANCE OF MINUTES: October 13, 2021

Acceptance of the minutes was postponed until the next meeting on 11-10-21

The next regular meeting is scheduled for **November 10, 2021**

OLD BUSINESS:

#1137: Fisher, Lionel & Sherigo, Artel Engineering, Agent, 8 Louis Allan Dr., (B08077), RA-80 Zone for installation of driveway for construction of a single-family dwelling.

Dainius Virbickas, P.E., with Artel Engineering Group, Brookfield, CT, spoke on behalf of the applicant. Mr. Virbickas explained this is a single-family home on a 5.2 acre parcel of land. One and a half acres is wetlands. He further stated he met with Environmental Compliance Officer Richard Janey and noted the entrance drive is constructed so that the wetlands crossing is done and has been in place for quite some time. There is no proposed wetlands loss or any impact changes to what was previously approved. The Project Impact Report was reviewed and they agree with the suggested conditions of approval. Mr. Virbickas offered to answer any questions the Commission might have.

Mr. Janey said the watercourse crossing is established and mirrors two other crossings up the road. All of the construction activity would have to happen across that wetland crossing; however, after speaking with Mr. Virbickas, we agreed that the arch and the crossing can sustain and handle that load. Commissioner Mark Massoud asked if the on-site septic system will go on one side, and it looks like the development is on the opposite side, so how will the access take place to the opposite side to install the

septic system? Mr. Virbickas said the land is delineated between the wetlands and the property boundary. Equipment will bring septic sand up to the top of the slope--the 20'-wide swath is more than adequate, erosion controls are proposed along the edge. Mr. Virbickas offered to double up on the silt fence or construction fencing if the Board would like. He felt this is a simple operation. Mr. Massoud also asked if a double-axel truck or other heavy equipment would be able to traverse the area between home and the septic. Mr. Virbickas replied that the property is pretty rocky, and they will have a stable base for vehicular traffic. As for a start date . . . very anxious to start the process. Also, the surveyors need to redefine the wetlands to establish the limits and set erosion controls, remove trees, etc. Mr. Virbickas expects a rapid process. Mark Massoud noted a condition of approval should be that wetlands need to be flagged and the boundary refined. Mr. Virbickas agreed.

Motion to approve #1137 with ten conditions of approval was made by Geoff Herald; seconded by Mark Massoud. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo.

#1139: SC Ridge Owner, LLC c/o Summit Development, LLC, 100 Reserve Road, (C16022) PND Zone, proposed warehouse construction

Mr. Gallo stated that more time is needed to review this application and a Project Impact Report will be needed.

Motion to table #1139 until the next regular meeting on November 10, 2021 was made by Geoff Herald; seconded by Mark Massoud. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo.

#1140: Castro, Braulio, Ralph Gallagher, Jr., agent, 197 Southern Boulevard, (17132), RA-20 Zone, remove fill as required.

Chairman Bernard Gallo explained that Ralph Gallagher, Jr. is away. The property owner did not join the ZOOM meeting. Mr. Gallo said that we received an email today from Mr. Benjamin Doto and it was read into the record by Mary Larkin. It read as follows:

Richard (Janey, Environmental Compliance Officer):

As discussed, on behalf of the Spains, I have reviewed the subject application. Specifically, Ralph Gallagher, P.E.'s re-grading & erosion & sediment control plan (#21066) that calls to "remove fill off-site (if required) to original grade with the owner's permission".

Please let this e-mail serve as notice that the removal of material on the Spain property is required. Attached is a Sydney Rapp survey highlighting the limits the off-site "disturbed area" (on the Spain property) that needs to be included in this work. Also attached is a photograph I took in August showing the debris/fill that extends across the Spain property line. The material (soil, debris, logs, brush, etc.) should be removed down to the original topsoil grade and the "hole" be backfilled with soil. Then, at a minimum, the entire disturbed area heavily mulched. This will prevent erosion and allow the native vegetation to regrow next season.

Also attached is a report from an Arborist (Matt Weibel). Mr. Weibel also calls for the removal of this material on the Spain property. Additionally, that it be done by hand near the trees and that they be fertilized after.

I am not able to attend tonight's meeting.

Ben

Mr. Gallo said that this has dragged on for a long time, and he hopes there will be some resolution at the next meeting.

Motion to table #1140 until the next regular meeting on November 10, 2021 was made by Geoff Herald; seconded by Mark Massoud. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo.

NEW BUSINESS:

#1141: TDRAP, LLC, Tim Draper, 12 Great Pasture Road, (L16010), IL-40 Zone for proposed self storage building

Michael Mazzucco, P.E., agent for the applicant, can walk the Board through a brief overview of the project. This project came in with a proposal back in 2004 for an expansion of the existing use that Mr. Draper has on site, out of which he runs his landscaping business. Because of the economy, he never really entered into that endeavor; he switched to the possibility of a self-storage facility and take down some of the buildings that are currently there.

He showed the area maps on a shared screen and mentioned they have a small section of flood plain on this property in the IL-40 Zone and self storage is a special exception use. They have filed for Special Exception and site plan approval with the Planning Department. There are a couple of buildings that currently exist in the front and then the back. He has tried to keep all of the same characteristics that were present when the original proposal received EIC approval.

They would be reducing one of the front buildings to use as an office, and they received Zoning Board of Appeals approval for that as they were reducing the non-conformity by taking part of that building out. They will be putting in a stormwater management system, but at a much lower elevation and with an elaborate planting plan. They are served by City water; however, the location is on a small septic for employee use because it is all self storage.

Mr. Mazzucco described the wetland mitigation plan, which is essentially the same plan that they had before. They had to change one of the outlet control orifices. This was done by Connecticut Ecosystems. Mr. Mazzucco offered to answer any questions. Mr. Janey did not have anything to add at this time. No questions.

Motion to table #1141 until the next regular meeting on November 10, 2021 was made by Geoff Herald; seconded by Mark Massoud. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo.

#1142: Burnham, Charles, 8 Shore Road, (K02096), RA-20 Zone for proposed demolition and construction of new residence.

Abigail Adams, Registered Landscape Architect, appeared on behalf of the applicants, Charles & Monica Burnham, owners of 8 Shore Road. Brian Baker of Civil 1 is on the Zoom meeting should there be any questions pertaining to stormwater.

Ms. Adams shared her screen to show plans for this single-family home in the RA-20 Zone. The parcel is approximately 25,000 sq. ft. Shore Road is bordered by Candlewood Lake and single-family homes. The 200' regulated area off of Candlewood Lake takes up almost the entirety of the property. The home, which is currently abandoned, will be demolished. A driveway with a small pull-off area exists. Patios, a greenhouse, and walkways exist on the property down to the lake as well as remnants of a very old gazebo. There is a functioning boathouse. There is mostly lawn down to the existing seawall. The southeast side of property is very wooded with understory material, and on the northwest side of the property, there are trees and scrubby material. The proposal for the portion above 440 line is to demolish the existing home, maintain and work with grades and existing driveway, install a new carport, retaining wall, and steps down along side of the house and replant with ornamental plants along property lines. Stormwater management will consist of a series of catch basins that will drain and daylight to a rain garden. There will be a new patio off the back of the house with patio below. New septic location. Intention is to remove remnants of gazebo, remove concrete ramp, and then spruce up the area by removing the existing walkway and resetting it, slightly realigning it toward the gazebo. The new gazebo will be placed at almost the same location. No seawall changes; the crumbling section will be replaced with a boulder slope and a jetty is proposed to be installed within the lake bed. First Light seems positive about this idea. The swimming area will not exceed past the sea wall. There will be a new dock, and the boathouse will remain with the potential to cut out a concrete section in order to get a longer boat in there. Proposal to remove one tree and another decaying tree by the boathouse. They will prune existing maple. Fifty percent of 50' back from the lake, the buffer requirement, would be 5100 sq. ft. of planting of native plants.

Ms. Adams said that First Light is taking months to provide answers so she hopes that although they do not have a go-ahead from First Light, perhaps they can get a stipulation so they can at least start the demo work and work above the 440 line.

Brian Baker, of Civil 1, License Engineer the state of CT, stated they were brought in to survey and assess the redevelopment of the site. They considered keeping the existing house, but it in such disrepair that a teardown and rebuild was determined to be best. Testing results of 1992 septic system meet the current code for a four-bedroom house. Everything looks good, but they will have to replace the septic tank due to its location to make it conforming. They will not change driveway location, and they will introduce driveway draining and roof drainage with rain gardens. Commissioner Mark Massoud asked if the Health Department will approve functioning of the leaching fields? Mr. Baker said, "yes".

Motion to table #1142 until the next regularly scheduled meeting on November 10, 2021 was made by Geoff Herald; seconded by Mark Massoud. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo.

PUBLIC HEARINGS: None

APPLICATIONS FOR ADMINISTRATIVE APPROVAL: None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: None

OTHER MATTERS: None

CORRESPONDENCE: Letter from Lake Waubeeka Association, Inc.

Chairman Gallo suggested we send it to Corporation Counsel. Geoff Herald asked why this hadn't happened years ago. Mark Massoud commented that when the regulations were last written he probably had a hand in it and, if he is correct, they're asking for a 200' upland review area to the lake, and the 200' has to be justified in terms of land use and other factors, which he thought was reserved to major water bodies and the Still River. They were judicious in assigning and justifying the 200' upland review area and leaving the balance of them generally at 100'.

ADJOURNMENT:

Motion to adjourn was made by Mark Massoud; seconded by Geoff Herald. All in favor with AYES from Mary Cronin, Geoff Herald, Mark Massoud, and Bernard Gallo. Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Mary S. Larkin
Secretary